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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,822	07/31/2001	Marco O. Gruteser	YOR.335	1763
21254	7590	04/07/2004	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			NGUYEN, PHUNG	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 04/07/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,822

Applicant(s)

GRUTESER ET AL.

Examiner

Phung T Nguyen

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 11, 15, 17-22 and 35-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11, 15, 17-22 and 35-38 is/are rejected.
- 7) ☒ Claim(s) 39-44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 15, 17-22, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lloyd et al. (U.S. Pat. 6,080,106) in view of David et al. (U.S. Pat. 5,544,649).

Regarding claim 1: Lloyd et al. disclose a patient interface system with a scale comprising a seating platform; at least one sensor for detecting a state of the seating platform connected to a first wireless communications device, said first wireless communications device for conveying information on the state of the seating platform (col. 5, lines 29-33, and col. 6, lines 3-10); a second wireless communications device for receiving information from the first wireless communications device (col. 5, lines 61-67, and col. 6, lines 1-8); a computing system, the second wireless communications device for receiving the information carrying signal and connected to the computing system (col. 7, lines 21-25). Lloyd et al. do not disclose initiating an action based upon the information. David et al. disclose an ambulatory patient health monitoring techniques utilizing interactive visual communication comprising a computing system for initiating an action based upon the information (figure 5, col. 7, lines 52-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lloyd et al. and David et al. because they both teach a system for monitoring a person at a remote site from a central station. The teaching of David et al. of

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initiating an action based upon the information would enhance the system of Lloyd et al. by providing an environment as safe as possible in accordance with human needs.

Regarding claim 2: Lloyd et al. disclose the second wireless communications device return an information carrying signal to the first communications device (col. 4, lines 29-53).

Regarding claim 3: Lloyd et al. disclose the claimed wherein information returned by the information carrying signal is conveyed to an occupant of the seating platform (col. 4, lines 29-46).

Regarding claim 15: Lloyd et al. disclose the claimed wherein at least one of the first and second wireless communications devices comprising a radio communication device (col. 6, lines 3-10).

Regarding claim 17: Lloyd et al. disclose communicating the state to other computing systems (col. 6, lines 8-10).

Regarding claim 18: David et al. teach the seating platform including wheels (col. 9, lines 66-67).

Regarding claim 19: David et al. disclose the seating platform comprising a chair (col. 9, lines 66-67).

Regarding claim 20: Lloyd et al. disclose the computing system is connected to a network (col. 6, lines 8-10).

Regarding claim 21: Lloyd et al. disclose a local Area Network (col. 6, lines 8-10).

Regarding claim 22: David et al. teach the seating platform is located in one of a business, a home, a restaurant, and a public space (col. 7, lines 29-33).

Regarding claim 35: All the claimed subject matter is already discussed in respect to claim 1 above.

Regarding claim 36: Lloyd et al. disclose sensing whether the seating platform is one of vacant, occupied, occupied by a non-human, and occupied by a particular individual, and measuring a characteristic of the seating platform (col. 6, lines 37-41, and col. 7, lines 29-32).

3. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lloyd et al. in view of David et al. and further in view of Harris (U.S. Pat. 5,113,176).

Regarding claim 4: Lloyed et al. and David et al. teach a system for monitoring a person at a remote site from a central station but do not teach notifying an occupant of the seating platform that the occupant has occupied the seating platform for an excessive length of time. However, notifying a user of the seating platform of one of the length of time that the user has occupied the seating platform is old and known in the art as taught by Harris (figure 3, col. 4, lines 1-8). Therefore, it would have been obvious to the skilled artisan to utilize the teaching of Harris in the system the combination in order to prevent back pain and neck pain result from sitting too long in a fixed position.

Regarding claim 11: Harris discloses one of a position, orientation, movement, and length of time of occupation of the seating platform (col. 3, lines 19-28).

4. Claims 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lloyd et al. in view of David et al. and further in view of Myllymaki (U.S. Pat. 6,348,867).

Regarding claim 37: Lloyd et al. and David et al. do not disclose the characteristic comprising at least one of color, intensity, an distribution of light derived form a lighting system, temperature or humidity in an area of the seating platform as claimed. However, Myllymaki discloses the system which enables the air conditioning/heating of a space accordance with the physiological condition of a person (col. 2, lines 9-27). Therefore, it would have been obvious to one of ordinary skill in the art to employ the technique of Myllymaki in the system of the combination in order to control the characteristic of the area of the seating platform which is an advantage.

Regarding claim 38: Myllymaki teaches the claimed wherein the characteristic is judged to need adjustment (col. 4, lines 30-32).

Allowable Subject Matter

5. Claims 39-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Betcher, III [U.S. Pat. 6,163,249] discloses an alert system for handicapped.
- b. Tingley et al. [U.S. Pat. 6,255,956] disclose a seat operated switch and warning system.
- c. Ortega et al. [U.S. Pat. 6,287,253] disclose a pressure ulcer condition sensing and monitoring.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 703-308-6252. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 703-308-6730. The fax numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Phung Nguyen

A handwritten signature in black ink, appearing to read 'Phung Nguyen', with a long horizontal flourish extending to the right.

April 2, 2004